IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9794 of 2004

Between:

R.Venkateswar Rao, S/o Pitchaiah
Aipoor Primary Agrl.Coop.Society, Athmakur (M) Nalgonda District

..... PETITIONER

AND

1 The District Cooperative Officer, Nalgonda.
2 The Divisional Cooperative Officer Deputy Registrar of Co-Operative

Society, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing proceedings RC.No.76/2003-B, dated 13/10/2003 for recovery of amount, without conducting the enquiry under sec. 51 of APCS Act, as highly illegal, arbitrary and contrary to the judgments of this Hon'ble Court and set aside the impugned surcharge order dt. 13/10/2003.

Counsel for the Petitioner: MR.M.R.TAGORE

Counsel for the Respondents: G.P. FOR COOPERATION AND G.P. FOR AGRICULTURE

The Court made the following :

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ORDER:

Heard both sides.

Admittedly, the petitioner has filed this Writ Petition as against the surcharge proceedings Rc.No.76/2003-B dated 13-10-2003, against which regular appeal is provided under Section 76 of the Andhra Pradesh Cooperative Societies Act, 1964.

In view of the above, I do not find any justification to entertain the Writ Petition filed under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is disposed of with liberty to the petitioner to file appeal within a period of four weeks from today raising all the grounds available to him and the same shall be considered and disposed of on merits, in accordance with law, within a period of six weeks from today. It is needless to observe that the impugned orders need not be given effect to for a period of four weeks from today. No costs.

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B.PRAKASH RAO, J.

Dated 08-12-2004.

SKMR

..... REGISTRAR

To

1 The District Cooperative Officer, Nalgonda.

2 The Divisional Cooperative Officer Deputy Registrar of Co-Operative Society, Nalgonda.

3. 2CCs each to G.P. for Cooperation and G.P. for Agriculture, High Court Buildings, Hyderabad, (OUT).

4. 2CD copies